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Attorney for Defendant Jennipher Hernandez

> **UNITED STATES DISTRICT COURT** NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION

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UNITED STATES OF AMERICA.

Plaintiff.

VS.

JENNIPHER HERNANDEZ.

Defendant.

Case No.: 11-CR-00217 DLJ

STIPULATION AND [PROPOSED] ORDER TO CONTINUE STATUS CONFERENCE AND EXLCUSION OF TIME UNDER THE **SPEEDY TRIAL ACT [18 U.S.C. §3161]**

The parties by and through their counsel of record, hereby stipulate to the following: The parties have jointly agreed that the current status conference hearing date of Thursday, April 12, 2012 at 9:00 a.m. be continued until Thursday, April 26, 2012 at 9:00 a.m. The reason for this continuance is that the parties have come to a resolution in finalizing the plea agreement; however the plea agreement is waiting on approval at the United States Attorney's Office from Eumi Choi's Supervisor, Jeff Nedrow.

For the factual reason above, the parties agree that the time between April 12, 2012 and April 26, 2012 shall be excludable from the Speedy Trial Act requirements of Title 18, United States Code, Sections 3161 (h)(7)(A) and 3161(h)(7)(B)(iv).

The parties agree that the time is excludable in that the ends of justice served by granting the continuance of the status conference to April 26, 2012 outweigh the best interests of the public and the defendant in a speedy trial. The parties agree that a continuance of the

STIPULATION AND PROPOSED ORDER TO CONTINUE STATUS CONFERENCE HEARING - 1

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status conference to April 26, 2012 is necessary to ensure both effective case preparation and 2 the availability of defense counsel, and denial of such a continuance would unreasonably deny 3 defendant effective case preparation and continuity of counsel pursuant to 18 U.S.C. §§3161(h)(7)(A) and 3161(h)(7)(B)(iv). 5 6 Date: April 9, 2012 7 8 /s/Robert W. Lyons Robert W. Lyons 9 Attorney for Jennipher Hernandez 10 Date: April 9, 2012 /s/Eumi Choi **Eumi Choi** 11 **Assistant United States Attorney** 12 13 IT IS SO ORDERED. 14 4-10-12 Date: 15 Honorable D. Lowell Jensen **United States District Judge** 16 17 18 19 20 21 22 23 24 25 26

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